

**Board Meeting Minutes
March 5, 2004**

**Board for Professional Engineers and Land Surveyors
2535 Capitol Oaks Drive
Fourth Floor Conference Room
Sacramento, California 95833
(916) 263-2222**

Friday, March 5, 2004

Board Members Present: Gregg Brandow (President), James Foley (Vice President), Arthur Duffy, David Fruchtman, Robert Jones, Millicent Safran, William Schock, Cindy Tuttle, Elizabeth Warren, Michael Welch, and Dale Wilson.

Board Members Absent: William Roschen and Edward Yu.

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Debbie Thompson (Budget Analyst), Joanne Arnold (Enforcement & Legislative Programs Manager), Janeece Sargis (Examination Analyst), and Cindy Fernandez (Executive Analyst).

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by Vice President Foley at 8:45 a.m. Roll call was taken, and a quorum was established. Vice President Foley announced that he would take items out of order until it was time for the hearing to begin.

Mr. Duffy arrived at 8:50 a.m.

President Brandow arrived at 9:00 a.m.

2. Public Comment

Charles Greenlaw, Structural Engineer, addressed the Board. He advised that he first attended a Board meeting when he was 41 years old; he is now 61 and hopes not to be attending Board meetings 20 years from now. Mr. Greenlaw stated that he had recently been attending meetings of the Department of Fire and Forestry; he said they have a small staff and a hardworking board.

Mr. Greenlaw addressed the general issues relating to the complaint filed by Terry Morris. He stated that the complaint was filed over four years ago and very little was done by the staff to investigate the matter. In response to Vice President Foley's statement of concern with the Board hearing about an on-going investigation, Mr. Greenlaw stated that he is aware that the Board cannot know the specifics of the case and that he would not discuss those. Mr. Greenlaw advised that Mr. Morris had come to the Board with his concerns over the inactions of staff and was advised to go to civil court, which he has now done. Mr. Greenlaw stated that his point is that, in the course of Mr. Morris's engaging his own attorney and his own land surveying expert and meeting with them – meetings at which Mr. Greenlaw was present – broke open what was happening. Mr. Greenlaw stated that he spoke at the July 2002 meeting and recommended that the matter be referred to the Division of Investigation (DOI), which the Executive Officer finally did. Mr. Greenlaw stated that the DOI investigator has supposedly finished his report now. Mr. Greenlaw explained that his question is why did everyone have to go to civil court – is something going on with the land surveying practice in that area that should have been controlled so such a situation would not have arisen. Mr. Greenlaw stated that it is a shame that Board members are so sheltered from complaint investigation matters. He stated that it could be raised at the Legislature but the Board should deal with it first and then seek relief through the Legislature. He stated that he believes that some Board members could be involved in the complaint investigation process.

Saad Issa, representing the Professional Engineers in California Government (PECG), Los Angeles Chapter, stated that the Board usually only hears negative comments and the members of his organization want the Board members to know that the staff is always very helpful and deals with much diversity with its applicants and licensees in a very professional manner.

Tom Stout, Professional Engineer, commended staff for the completeness of the Board meeting and Task Force meeting minutes and records of the discussions regarding the Title Act Study report. Mr. Stout clarified his comments from the January 2004 Task Force meeting in that both the electrical and mechanical engineering examinations each have three depth modules. Mr. Stout advised that he had recently attended a meeting with John Adams of NCEES, who had indicated that the environmental depth module might be dropped from the civil engineering examination because there already is an 8-hour environmental engineering examination.

6. **Approval of Consent Items (Possible Action)**
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)
 - a. **Approval of the Minutes of the January 29 & 30, 2004, Board Meeting**

MOTION: Mr. Wilson/Mr. Fruchtmann moved to approve the minutes of the January 29 & 30, 2004 Board meeting.

VOTE: 10-0, motion carried.

7. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Ms. Safran/Mr. Schock moved to approve the Delinquent Reinstatements as follows:

Chemical

1. Charles P. Chan

Reinstate applicant's chemical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

Mechanical

1. Anthony J. Giampaolo

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

2. Hassan H. Hamza

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

3. Stephen J. Murphy

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

4. Dennis C. Philpot

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

VOTE: 10-0, motion carried.

8. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Ms. Tuttle/Mr. Schock moved to approve the Amended Handout Comity List.

VOTE: 10-0, motion carried.

4. Closed Session

The Board went into closed session at 9:02 a.m.

5. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board adopted the results of the take-home examinations for the candidates who had previously passed the 8-hour portion of the indicated examinations.

Ms. Christenson reported that the Board adopted the Default Decision regarding Elliott Francis Uhrich, the Stipulation regarding Brian Edward Smith, and granted Petitions for Reconsideration of Keith Douglas Masuda and Christopher Russell.

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, et al., San Francisco Superior Court Case No. 402996, and Ladislav Peter Petrovsky v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS080673, and Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492.

6. Approval of Consent Items (Possible Action)

b. Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

MOTION: Ms. Safran/Mr. Foley moved to approve candidates for licensure and certification based on examination results, including successful appeal results and take home examination results, approved in closed session.

VOTE: 10-0, motion carried.

3. Hearing on the Petition for Reduction of Penalty of Jayant L. Gandhi [OAH No. 2004010437] The hearing on the Petition will begin at 9:30 a.m., or as soon thereafter as the matter may be heard.

The Board heard the Petition for Reduction of Penalty of Jayant L. Gandhi.

4. Closed Session

The Board went into closed session at 11:30 a.m. to decide the Petition for Reduction of Penalty of Jayant L. Gandhi.

Ms. Tuttle left at 12:00 p.m.

10. Legislative

a. Discussion of Proposed Legislation for 2004, including but not limited to AB 1265 (Possible Action)

Ms. Arnold reported on this item.

MOTION: Ms. Safran/Mr. Welch moved to support AB 320, Professions and vocations: licensees: settlement agreements.

VOTE: 8-0-1, motion carried, Mr. Fruchtmann abstained; Mr. Jones was not present for the vote.

MOTION: Mr. Schock/Mr. Wilson moved to support AB 1826, Professional and trade licenses.

VOTE: 9-0, motion carried; Mr. Jones was not present for the vote.

MOTION: Vice President Foley/Ms. Safran moved to support SB 1547, Board for Professional Engineers and Land Surveyors. This bill will change the “sunset dates” for the Board.

VOTE: 9-0, motion carried; Mr. Jones was not present for the vote.

Mr. C.deBaca, representing the California Land Surveyors Association (CLSA), advised that CLSA was seeking the Board’s support for its legislative proposal to repeal the law allowing the Board to issue temporary authorizations to practice land surveying. Mr. Welch explained that it is neither practical nor feasible for the Board to issue temporary authorizations to practice land surveying because the person is not given a license number so he cannot tag any monuments he sets and because 180 days is usually not a sufficient amount of time to complete the survey and file any survey maps that might be required. Mr. Duffy questioned why only the temporary authorization for land surveying would be repealed and not the temporary authorization for professional engineering. President Brandow explained that temporary authorizations are usually only issued for civil engineering and land surveying because those disciplines have a state-specific examination component that slows down the comity licensure process. Mr. Foley advised that temporary authorizations are a bigger problem for land surveying than for civil engineering because no number is issued, which means that any monuments that are set are left untagged. Ms. Christenson advised that the problem with issuing temporary authorization numbers is that there is no way for them to be entered and tracked in the Board’s licensure database. Ms. Christenson further advised the Board had supported such legislation in the past.

MOTION: Ms. Safran/Mr. Welch moved to support CLSA’s legislative proposal to repeal the law authorizing the Board to issue temporary authorizations for land surveying projects.

VOTE: 8-1, motion carried; Mr. Duffy voted nay; Mr. Jones was not present for the vote.

b. Regulation Status Report

No additional report given.

9. Title Act Study Report & Task Force (Possible Action)

a. Final Recommendations of the Task Force regarding THE ENGINEERING TITLE ACT STUDY: The Practice/Title Act Distinction and Protection of Public Health, Safety and Welfare (referred to as “the Study”) to be Presented to the Board for Professional Engineers and Land Surveyors [Possible Action]

Richard Markuson, representing the Consulting Engineers and Land Surveyors of California (CELSOC), addressed the Board regarding the Title Act Study report and the recommendations of the Title Act Study Task Force. He stated that CELSOC does not believe that the Board should cede to the Legislature the decision on which Title Acts become Practice Acts and which ones are eliminated; the Board should hold public hearings and then make recommendations to the Legislature on each Title Act. He stated that CELSOC is opposed to the policy of requiring licensees to report legal actions. He stated that four times in recent years the Board has adopted regulations absent any evidence of a problem and this is another example of that. He stated that it is unclear what the reporting mechanism would be and what staff would do with the information once it was reported. He stated that, like the Codes of Professional Conduct, there is no evidence of particular behavior on the part of licensees that needs to be changed or addressed.

Stephen H. Lazarian, Jr., Chairman of the Title Act Study Task Force, explained that at the last Board meeting, the Task Force’s report and recommendations were presented and that there was much discussion at that meeting about the history of the Title Acts and the Title Act Study, as well as of the recommendations from the Task Force. He advised that he and Task Force members Bill Gage and Julianne D’Angelo Fellmeth were attending this Board meeting to address any remaining questions or concerns about the Task Force’s report and recommendations.

Mr. Foley recommended that the reporting requirement be limited to those civil actions that are related to the practices of professional engineering and land surveying. He also questioned how a licensee would be held accountable if he was no longer associated with the company or agency when the civil action came about and so he did not know about the settlement or judgment and did not report it. Mr. Duffy stated that the

licensee very often has no control over the outcome of the civil action, especially if he works for a government agency or a large company.

Mr. Duffy stated that PEGC agrees with CELSOC on this issue, especially regarding how the information would be reported and what would be done with the information. He stated that PEGC also agrees with CELSOC that the Board should make a recommendation to the Legislature about each Title Act.

Ms. D'Angelo Fellmeth suggested that the reporting of legal actions recommendation (Recommendation #4) be modified so that only those civil actions related to or resulting from the practices of professional engineering and professional land surveying would have to be reported. She explained that the Task Force is recommending that the Board approve the concept of requiring reporting of legal actions; the Board would then work out the specific details and language with the Legislature. She explained that such a reporting requirement is a proactive enforcement tool; it is a way for the Board's Enforcement Unit to detect possible substandard practice. Ms. D'Angelo Fellmeth reminded the Board that it is here to remove from the profession any licensees who are incompetent, negligent, fraudulent, etc.; she advised that it is important for the Board's Enforcement Program to have a tool to do so. Ms. D'Angelo Fellmeth explained that other boards that have such a reporting requirement have a one-page form on their websites; whoever is required to report just fills out the form and submits that form to the board; the boards do not require submittal of all of the court documents. She explained that the report is just a piece of information that the Enforcement Unit would then use in its investigative process. She advised that the reporting does not result in public disclosure and that it would not always result in disciplinary action against the licensee. She explained that the issue of whether or not the licensee knew, or could have known, about the civil action could be addressed in the actual language; for example, if the licensee is a named defendant, then he would definitely know about the civil action.

Mr. Duffy asked what would happen if the licensee did not have the right to contest the settlement of the case. Ms. D'Angelo Fellmeth advised that only doctors have the legal right to contest settlements. She explained that many other professions, which do not have that right, still have a requirement to report legal actions. She advised that the reporting is only made to the Board and then the staff decides whether or not to investigate the matter further or not, as appropriate.

Mr. Gage advised that Senator Liz Figueroa is a very strong advocate for boards to require their licensees to report legal actions. He explained that they worked with the Accountancy Board last year on developing actual

language that was appropriate for that profession; he advised that they had similar issues regarding companies versus individuals and knowledge of the civil actions. Mr. Gage advised that the information that is reported to the boards is not subject to disclosure because the boards maintain the information as confidential investigative information that is not subject to public release or disclosure. Ms. D'Angelo Fellmeth explained that other boards consider the reports to be "complaints," which are not subject to disclosure under the Public Records Act; their staff then decides whether or not to investigate, just as they do with other complaints. Mr. Gage noted that specific language could be included to exempt the reported information from disclosure under the Public Records Act or through subpoena.

Mr. Lazarian pointed out that the Task Force is recommending that the reporting be required of the licensees, not of insurance companies, because there seem to be some issues with whether or not insurance companies are complying with the requirements of other boards, such as the Architects Board. Mr. Gage noted that the Legislature usually likes to include the insurance companies.

Mr. Foley stated that he is in favor of the reporting requirement but he wonders how it would affect confidentiality or non-disclosure agreements in settlements. Ms. D'Angelo Fellmeth explained that a confidentiality agreement is done so that a settlement does not become a matter of public record like a judgment; however, a reporting requirement overrides the confidentiality agreement because the reporting requirement is for a limited purpose and because reporting the settlement to the Board does not make it public. Ms. D'Angelo Fellmeth noted that it is bad public policy to allow private parties in litigation to manipulate the process and prevent the Board from completing its mission to protect the public.

Mr. Wilson asked who would have to report if multiple professions were involved, such as contractors and architects, and there were issues over who was responsible. Ms. D'Angelo Fellmeth suggested that could be addressed in the actual language. Mr. Gage explained that the reported information would give the Board's staff an opportunity to investigate; if it was determined that the professional engineer or land surveyor was not responsible, then no further action would be taken.

Ms. Ruff advised that other boards do not bring an accusation against a licensee based solely on a civil action; they always investigate the matter first before referring it to the Office of the Attorney General.

Mr. Duffy stated that he was still concerned about how it would be handled for large agencies and companies. Mr. Gage noted that that might be a

situation unique to the engineering and surveying professions and could be dealt with in the actual language.

Mr. Lazarian explained that disciplinary action would not be taken immediately upon receipt of the report; the information would just be used to initiate a full investigation, just like all other complaints.

Mr. Duffy stated that he is concerned about the actual language and what would be contained in it. Mr. Gage advised that the Legislature would definitely work with the Board to develop the appropriate language.

Mr. Schock asked if the Board had the prerogative whether to investigate or not once it received the reported information. Mr. Duke advised that the Board has prosecutorial discretion to decide whether or not to pursue any investigation and there would be no extra liability if the Board chose not to pursue an investigation following receipt of the reported information. President Brandow noted that procedures would have to be established as to how to handle the information once it was received. Ms. D'Angelo Fellmeth explained that other boards handle the reports just as they do any other complaints that receive – they review the information to determine whether or not a full investigation should be conducted.

Mr. Duffy questioned how this could be done considering the current staff limitations. Ms. D'Angelo Fellmeth advised that the Legislature understands the staffing problems that boards are facing. She explained that requiring reporting of legal actions is simply an enforcement tool; the Board cannot micromanage what staff does with every piece of information that comes in. Mr. Lazarian explained that there are different levels of complaint processing; sometimes there is a full investigation, while other times the information is just reviewed and no further investigation is done. Mr. Lazarian also noted that there are different levels of proof between civil actions and administrative disciplinary matters; the burden of proof for administrative disciplinary actions is higher than that for civil actions.

Ms. Ruff explained that requiring the reporting of legal actions is simply a mechanism for the Board to find out about possible problems with its licensees in cases where the consumers do not file a complaint with the Board.

Mr. Duffy again stated that he thinks there will be real problems for licensees at State agencies.

Mr. Markuson noted that settlements are viewed very differently from judgments because many times it is cheaper to settle the case than to

contest it and when the matter is settled, the dispute is considered resolved and the matter closed.

Ms. D'Angelo Fellmeth noted that professional engineers and land surveyors are really no different from other professions, such as doctors, lawyers, accountants, and architects, all of whom are required to report to their licensing boards. She stated that most cases are settled just to avoid the expense of going to court and that, in most professions, the dollar amount of the reporting requirement drives the settlement amount. She noted that the reporting requirement has been in place for many years for other professions and it is an effective enforcement tool.

Mr. Foley moved that the Board adopt Task Force Recommendation #4 with the modifications suggested by Ms. D'Angelo Fellmeth. This motion died for lack of a second.

Mr. Foley then suggested that the Board could accept the Task Force's recommendations in one motion and then add in any of the Board's comments or concerns. Ms. Christenson suggested that if the Board had concerns that changed the recommendations, then that should be part of the actual recommendation. Mr. Lazarian suggested that it might be helpful if the Board had an idea of how the Legislature would prefer to have the information presented.

Mr. Gage explained that Sunset Committee has put its Sunset Review process on hold at the request of the Governor until the Governor's California Performance Review commission submits its final report at the end of June. Mr. Gage advised that this gives the Board more time to develop the actual language; he suggested reviewing the existing language of other boards. He recommended that the Board should indicate any specific concerns it has that it would like to see addressed in the actual language, such as ensuring that the information is not subject to disclosure and the dollar amount over which settlements, judgments, and awards must be reported.

Mr. Wilson questioned whether this issue should be referred back to the Task Force. Mr. Lazarian explained that the Task Force has done its work and made its recommendations by addressing issues on a global level; it is now time for the Board to act and to address issues on a more specific level, if appropriate. Mr. Foley stated that he believes the Board should move forward. Mr. Jones stated that the mandate from the Legislature was for the Board to make recommendations; any modifications by the Board to the Task Force's recommendations are to produce the final product for the Legislature.

Mr. Gage explained that the Sunset Review hearings will probably be held in July following a review by the Hoover Commission of the recommendations from the Governor's California Performance Review. He indicated that the Board would not need to submit its responses to the remaining Sunset Review questions regarding the Title Act Study until June; therefore, the Board could discuss and finalize its recommendations at its April meeting.

Mr. Jones asked if cases that were mediated rather than arbitrated or settled would have to be reported. Mr. Lazarian explained that a successful mediation usually results in a settlement, so that would be covered by the requirement to report settlements, while unsuccessful mediations usually go on to arbitration or civil court. He recommended that mediations not be included. Ms. D'Angelo Fellmeth agreed that most other boards do not include mediated agreements. Mr. Jones suggested that the recommendation should be clarified to include settlements based on mediations. Mr. Gage advised that the Legislature does not usually view mediated agreements as rising to the level of reportable events, as settlements and arbitration awards do.

President Brandow suggested that the Board go through each recommendation from the Task Force to determine which ones remained as issues that the Board could then more fully discuss at its April meeting.

Recommendations 1A and 1B:

There were no comments or changes.

Recommendation 2:

Mr. Duffy asked what the process would be during the Sunrise process and whether the titles associated with the Title Acts would still be protected. Mr. Gage explained that the Sunrise process is a two-year process: during the first year, the Joint Legislative Sunset Review Committee (JLSRC) conducts its review and evaluation; during the second year, the actual legislation to either convert a Title Act to a Practice Act or to sunset the Title Act would be introduced. Mr. Gage explained that any conversion to a Practice Act has to be done by the Legislature, which will hold public hearings and will ask the Board for its input. He stated that it would be duplicating the effort if the Board were to hold public hearings because the Legislature would still hold its own hearings. Mr. Gage advised that the request from the JLSRC for the Board to provide a recommendation on each Title Act was made before the Sunrise process was changed and formalized so that all new licensure categories must have go through the legislative hearing process. He explained that the JLSRC would hold one hearing on all of the Title Acts; all of the recommendations – whether to convert to a Practice Act, leave as a Title Act, or eliminate – would then be placed into legislation. Mr. Foley

expressed the hope that there would no longer be Title Acts after this process. Mr. Gage stated that there did seem to be a very strong recommendation from the Board not to have Title Acts.

Mr. Markuson stated that CELSOC disagrees that the Title Acts serve no purpose. He stated that under the provisions of the Professional Engineers Act, a comity applicant must be placed in the closest discipline if California does not license in the applicant's current discipline; the Board might not want to place an applicant into a Practice Act discipline, and by keeping the Title Acts could place the applicant in one of those disciplines. Mr. Wilson asked if the Board was required to grant licensure via comity. Ms. Christenson advised that the law does require that, as long as the applicant meets all of the legal requirements for licensure. Mr. Wilson suggested that this requirement might need to be reconsidered through the Sunrise process. Mr. Gage indicated that could be done if it was appropriate.

Mr. Duffy stated that he does not believe the elimination of the Title Acts has been reviewed thoroughly enough by the Board. President Brandow reiterated that the Board will have the opportunity to provide input to the Legislature during the Sunrise process.

Recommendation #3A:

Mr. Wilson stated that the recommendation seems to be ambiguous.

Ms. D'Angelo Fellmeth advised that it was based on the difficulty ISR had in obtaining relevant data. She explained that the Task Force's recommendation was for the Board to just review what data could and should be collected before proceeding with any type of data collection. Mr. Schock asked if other boards collect such data; Ms. D'Angelo Fellmeth indicated that many do.

President Brandow explained that it seemed that the data was there in some areas but it was not altogether. Ms. D'Angelo Fellmeth explained that ISR could not find discipline-specific data on each Title Act, so ISR could not make a recommendation on each Title Act.

Mr. Wilson noted that some of the data might be contained in the application files, but it was not all centrally located. Mr. Foley indicated that it is difficult to determine how to solve a problem if the data cannot be obtained. Mr. Duffy questioned what the problem was that would cause the Board to collect such data. Ms. D'Angelo Fellmeth explained that the data would be used by the Board to make informed decisions and to determine if there is a problem.

Recommendations #3B and 5A:

There were no comments or changes.

Recommendation #5B:

Mr. Lazarian explained that the ISR recommendation was to automatically use all of the NCEES examinations as licensure disciplines; however, since all new licensure categories must go through the Sunrise process, the Task Force's recommendation is that any new licensure disciplines should be dealt with separately, not during the review of the existing Title Act disciplines.

Recommendations #6A and 6B:

There were no comments or changes.

Recommendation #4:

Ms. Christenson questioned whether the Board, in its final recommendation, should include specific things that it believed should or should not be included. Mr. Gage explained that those types of issues come out more when working on the actual language. Ms. D'Angelo Fellmeth recommended that the Board decide what should be reported and who should report it, considering who is the most reliable and who has access to the information; what the dollar amount should be in the context of the professional; when the information has to be reported; the confidentiality of the information; and the penalty for not reporting to the Board.

President Brandow questioned whether the Board could require non-licensees to report. Mr. Gage explained that the Board could if the Legislature gave the Board that authority.

Mr. Wilson noted that the PE Rewrite recommendation was to require the entity or agency to report. He questioned if the engineer could be penalized for not reporting if he did not know about the civil action. Mr. Gage indicated that this would be something that could be addressed in the language. Ms. D'Angelo Fellmeth explained that other professions have unique areas of who might have the information; for example, hospitals have to report about doctors. She suggested that agencies could be required to report about engineers and surveyors. Mr. Schock noted that there are times when multiple licensees work on a project but only one licensee is considered to be in responsible charge, leading to the question of who would be required to report. President Brandow noted that many times the firm, rather than the individual licensee who owns the firm, is the one named in the civil action. Ms. D'Angelo Fellmeth indicated that the Board needs to decide who should be required to report so that the Board is assured of receiving the information, even if that means duplicate reporting.

Mr. Foley noted that the disciplinary process is generally predicated on who is in responsible charge. He stated that there is an investigative process already in place that works; this would just be a way for the Board to receive information from another source.

Mr. Duffy noted that the Accountancy laws do not require the licensee to report if he is insured. Ms. D'Angelo Fellmeth pointed out that the Accountancy laws do require that the insurance companies report, which ensures that the Accountancy Board does receive the information. Ms. Ruff stated that reporting to the Board is not about whether or not the licensee is insured. Ms. D'Angelo Fellmeth explained that most boards have duplicative and overlapping reporting requirements and that most do require insurers to report.

President Brandow questioned how the dollar amount is determined. Ms. D'Angelo Fellmeth explained that it needs to be set at a level that is appropriate for the profession and sometimes it needs to be adjusted based on what information is being received; for example, the Architects Board wants to increase its amount from \$5,000. Mr. Schock asked what could be done about licensees with small projects who routinely settle. Mr. Gage indicated that the reporting requirement could be triggered by a set number of settlements, regardless of the dollar amount. Ms. D'Angelo Fellmeth explained that the Accountancy laws, with a \$30,000 level, applies to all accounting firms, large or small. She suggested that the Board might need to pick a dollar amount, see how it works, and then change it a few years later.

President Brandow indicated that the Board would need to approve its final recommendations at the April meeting and requested that all Board members be prepared to discuss this matter at that meeting.

**11. Technical Advisory Committee Reports
(No Committee Meetings were held.)**

a. Board Assignments to TACs (Possible Action)
No assignments were made.

b. Appointment of TAC Members (Possible Action)
No report given.

12. Liaison Reports (Possible Action)

a. ABET
No report given.

b. NCEES

Ms. Christenson advised that the Western Zone Meeting will be held April 1 through 3, 2004, in Las Vegas, Nevada. Ms. Christenson advised that the Governor's Office had returned the Board's out-of-state travel request for further justification, including for trips that were not funded by the Board. She advised that she was working with Ms. Thompson and DCA to get this matter resolved so that the Board could be represented at the Western Zone meeting.

c. Technical and Professional Societies

No report given.

13. President's Report

No report given.

14. Executive Officer's Report

1. Administration Report

a. Executive summary report

No additional report was given.

b. State budget

Ms. Christenson reported that we will be getting rid of our P.O. Box and are looking into trading in the Board van; this will save the Board about \$2,000 per year.

2. Personnel

a. Hiring freeze

Ms. Christenson thanked staff for "pitching in" and helping out where needed due to the hiring freeze and being short staffed.

b. Vacancies

No report was given.

3. Enforcement/Examination/Licensing

a. College Outreach

No report was given.

b. Report on Enforcement Activities

No report was given.

c. Report on Examination Activities

No report was given.

4. Publications/Website

a. Website Activity Statistics

No report was given.

5. Sunset Review & Report

No report was given.

6. Other

a. DCA update

No report was given.

15. Approval of Board Travel (Possible Action)

No travel to be approved.

16. Other Items Not Requiring Board Action

a. Next Board meeting: April 22 & 23, 2004, Anaheim, California

Ms. Eissler reported that there will be a Petition Hearing at the next Board meeting.

Mr. Duke reported that he received notice from the Governor's Office that the reports that the Board was required to submit pursuant to the Governor's Executive Order S-03-02 regarding rulemaking and regulations had been accepted and the Board could begin processing new regulations.

17. Adjourn

The Board meeting adjourned at 3:45 p.m.

PUBLIC PRESENT

Lee Adler, SEAOC

Carl C deBaca, CLSA

Jim Feld, SFPE

Jayant L. Gandhi

Charles O. Greenlaw, S.E.

Steve Hao, Caltrans

Saad Issa, PECG

Richard Markuson, CELSOC

Tom Stout, CSPE

Steven Tietsworth, Center for Public Interest Law, University of San Diego